

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

RECEIVED
IN CLERK'S OFFICE

MAY 9 2012

U.S. DISTRICT COURT
MID. DIST. TENN.

DAVID STARLEY,

Plaintiff,

v.

CLARKSVILLE-MONTGOMERY COUNTY
SCHOOL SYSTEM,

Defendants.

)
)
)
)
)
)
)
)
)
)
)
)

No.

JURY DEMAND

NOTICE OF REMOVAL

1. Clarksville-Montgomery County School System, is the Defendant in the civil action brought on April 9, 2012, in the Circuit Court of Montgomery County, Tennessee, and served on said Defendant on April 26, 2012. Pursuant to provisions of Section 1441 and 1446 of Title 28 of the United States Code, Defendant removes this action to the United States District Court for the Middle District of Tennessee, Nashville Division, which is the judicial district and division in which the action is pending.

2. This is an action of a civil nature in which the District Courts of the United States have been given original jurisdiction in that it arises under the laws of the United States within the meaning of 28 U.S.C. § 1331.

3. In particular, the Plaintiff's claim for relief includes a claim that Defendant violated the Family and Medical Leave At (FMLA) and retaliated against Plaintiff for exercising his rights under FLMA, a federal statute. While there are other state law claims alleged under the Tennessee Human Rights Act, the main claim is pursuant to the FMLA.

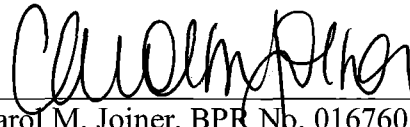
4. Removal of this action from the Circuit Court of Montgomery County, Tennessee, to this court is, therefore, proper under Section 1441(a) and (b) of Title 28 of the United States Code, because this Court would have had original jurisdiction of the action under Section 1331 of Title 28 had the action been initially filed in this court.

5. This Notice of Removal is timely under Section 1446(b) of Title 28 of the United States Code because the Complaint in this action was served on April 26, 2012. This Notice of Removal is filed within 30 days of receipt of the Complaint on April 26, 2012, and is timely filed under 28 U.S.C. § 1446(b).

6. Pursuant to the provisions of 28 U.S.C. § 1446(a), Defendant attaches to this notice and incorporates by reference copies of the following papers, which are all of the process, pleadings, and orders served on it prior to its removal of this action:

- a. Complaint filed in the Circuit Court of Montgomery County, Tennessee, Case No. MC CC CV MC 12 864, which is being marked as Exhibit "A";
- b. The Summon in the case of David Starley v. Clarksville-Montgomery County School System, Case No. MC CC CV MC 12 864, Circuit Court of Montgomery County, Tennessee, served on April 26, 2012, which are being marked as Exhibit "B";

BATSON NOLAN PLC

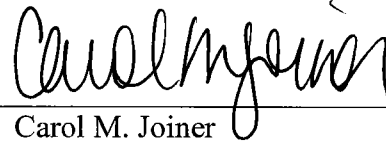
By: 
Carol M. Joiner, BPR No. 016760
Counsel for Defendant
121 South Third Street
Clarksville, Tennessee 37040
(931) 647-1501

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been mailed, postage prepaid, to Debra A. Wall, Attorney for Plaintiff, 133 Franklin Street, Clarksville, TN 37040, on this the 8th day of May, 2012.

BATSON NOLAN PLC

By: _____



Carol M. Joiner